

Application Serial No. 09/687,991

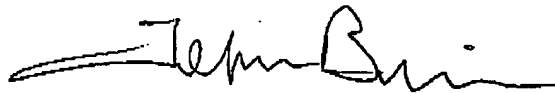
REMARKS

Claims 1-3, 5, 8-10, 13-16, 19-22, 24-26 and 28-30 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of commonly assigned co-pending Application No. 10/437,883. For the record, Applicant respectfully disagrees that the instantly rejected claims are not patentably distinct from claims 1-38 of commonly assigned co-pending Application No. 10/437,883. However, in the interest of moving the prosecution forward, Applicant herewith timely files a terminal disclaimer in compliance with 37 CFR 1.321(c) as well as documentation that the two applications are commonly owned. Thus, Applicant believes the double patent rejection is now overcome.

Claims 1-3, 5, 8-10, 13-16, 19-22, 24-26 and 28-30 were rejected under 35 USC 102(e) as being anticipated by Rawat. For the record, Applicant respectfully disagrees that the instantly rejected claims are anticipated by Rawat. However, as declared in the inventor declaration filed herewith, the material disclosed but not claimed in Rawat was invented by Jai Rawat, the first named inventor of the instant application. Therefore, the material in Rawat was not invented "by another" as required by 35 USC 102(e). Thus, Applicant believes the 35 USC 102(e) rejection is now overcome.

Applicant respectfully submits that all rejections have been overcome, and respectfully requests that the Examiner issue a notice of allowance on the pending claims. The Examiner is invited to please call Applicant's attorney at 650-474-8400 with any questions regarding this correspondence.

Respectfully submitted,



Jeffrey Brill

Reg. No. 51,198

Customer No. 22,862